

FILED  
U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

2009 AUG 10 P 2:53

DISTRICT OF UTAH

BY: DEPUTY CLERK

DANIEL F. PERDOMO and VICTORIA  
SETHUNYA,

Plaintiffs,

vs.

TRUPIANO LAW, P.C. and KIMBERLY  
J. TRUPIANO,

Defendants.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case No. 2:09 CV 75 TC

The court referred this case to Magistrate Judge Samuel Alba pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). On July 20, 2009, Judge Alba, in a very thorough Report and Recommendation<sup>1</sup>, recommended that Plaintiffs' Motion to Amend be DENIED and Defendants' Motion to Dismiss be GRANTED for lack of jurisdiction.

The parties were given ten days to file objections to the Report and Recommendation and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. Plaintiffs filed an objection on July 30, 2009<sup>2</sup>; but the objection does nothing to remedy

---

<sup>1</sup>(Dkt 24)

<sup>2</sup>(Dkt. 25)

the subject matter jurisdiction defect.

The court has carefully reviewed the Report and Recommendation in this matter and relevant materials in the file and agrees with the recommendation of the Magistrate Judge. The Report and Recommendation is adopted as the order of the court. Defendants' Motion to Dismiss is GRANTED. Because the court lacks subject matter jurisdiction, the Plaintiffs' Complaint is dismissed with prejudice. Plaintiffs' Motion to Amend the Amended Complaint is DENIED as it does not cure the Complaint's deficiencies; and Defendants' request for sanctions is DENIED.

IT IS SO ORDERED THIS 10th day of August, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL  
Chief Judge